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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,540	03/30/2004	William V. Da Palma	BOC920030107US1 (026)	3434
46322 7590 05/14/2009 CAREY, RODRIGUEZ, GREENBERG & PAUL, LLP STEVEN M. GREENBERG 950 PENINSULA CORPORATE CIRCLE SUITE 3020 BOCA RATON, FL 33487				
EXAMINER				
GAUTHIER, GERALD				
ART UNIT		PAPER NUMBER		
2614				
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05/14/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/812,540

Applicant(s)

DA PALMA ET AL.

Examiner

Gerald Gauthier

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 13-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 1-12** are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloch et al (US 2003/0195923 A1) in view of Creamer et al. (US 7,130,408 B2).

Regarding **claim 1**, Bloch discloses a method of processing script logic embedded in markup language [paragraph 0012], the method comprising the steps of:

transforming by a script processor executing in a computer system, a script embedded in markup to an object representation of a compiled form of said script; caching said object representation [The script is then compiled into object code. In step 374, the top level elements are distributed to the appropriate module, as described above. In step 376, these modules process the elements into object code, paragraph 0100];

caching said object representation [In step 378, Compilation Manager 300 assembles object code for each of the elements into a single executable. In step 380, that executable is added to Cache 304, paragraph 0100]; and

retrieving and accessing said cached object representation in lieu of compiling said script [That is, when mark-up language descriptions are compiled, the compiled versions are kept in Cache 304. Pre-processor 302 will determine whether a particular mark-up language description is found in the cache (step 364). If the mark-up language description is cached, then the cache copy is returned to Request Handler 164 in step 366, paragraphs 0100].

Bloch fails to disclose a script logic embedded in a voice markup.

However, Creamer teaches a script logic embedded in a voice markup [The call processing script can include, for example, voice markup language scripts such as VXML documents, text, scripts, as well as selected portions of audio. The parser can receive the requested call processing script via an HTTP connection. Accordingly, in

step 550, the parser then can parse the call processing script, converting the call processing script into an intermediate format which can be interpreted by the service processors, column 13, lines 25-38].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Bloch using the scripts embedded in a voice markup as taught by Creamer.

This modification of the invention enables the system to have a voice markup so that the parser would parse the call processing script, converting the call processing script into an intermediate format which can be interpreted by the service processors.

Regarding **claims 2, 14 and 16**, Creamer teaches a method, further comprising the step of performing said transforming step when parsing said script in a voice markup interpreter [column 13, lines 25-38].

Regarding **claims 3 and 17**, Bloch discloses a method, further comprising the step of validating said script before performing said transforming step [paragraph 0036].

Regarding **claims 4 and 18**, Bloch discloses a method, further comprising the step of compressing said object representation before performing said caching step [paragraph 0099].

Regarding **claims 5 and 19**, Bloch discloses a method, wherein said transforming step comprises the steps of: parsing said script to correlate scripted operations and data with machine interpretable instructions and data [paragraph 0099]; and,

wrapping said machine interpretable instructions and data into a programmatic object [paragraph 0099].

Regarding **claim 13**, the combination of Bloch and Creamer discloses all the limitations of claim 13 as stated above.

Furthermore Bloch discloses a computer system [52 on FIG. 2], a script processor [302 on FIG. 6] and a cache couple to said script processor [304 on FIG. 6].

Regarding **claim 15**, the combination of Bloch and Creamer discloses all the limitations of claim 15 as stated above.

Response to Arguments

5. Applicant's arguments with respect to **claims 1-5 and 13-19** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Gerald Gauthier/
Primary Examiner, Art Unit 2614

/GG/
May 14, 2009